

FILED
DISTRICT COURT OF GUAM
FEB 20 2007
MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF GUAM

NANYA TECHNOLOGY CORP. and
NANYA TECHNOLOGY CORP. U.S.A.,

Plaintiffs,

vs.

FUJITSU LIMITED, FUJITSU
MICROELECTRONICS AMERICA, INC.,

Defendants.

CIVIL CASE NO. 06-CV-00025

STIPULATION

The parties hereby stipulate as follows through their undersigned counsel:

1. The parties hereby jointly request that the status conference scheduled for February 21, 2007 be moved to March 2, 2007 to coincide with the hearing on Plaintiffs' motions to compel and to exceed the number of interrogatory requests and requests for admission (Docket No. 113, 126, & 132). Such request is made to limit the travel required by off-island counsel for the parties, and to promote judicial efficiency.

ORIGINAL

1 2. Plaintiffs' motion for a protective order (Docket No. 123), and Defendants'
2 opposition to that motion and proposal of an alternative protective order (Docket No. 138), will
3 shortly be mooted by the parties' joint submission of a mutually agreed protective order.

4 3. Without waiving any specific objections, Defendants have agreed to produce
5 documents responsive to the jurisdictional discovery requests Plaintiffs have served. Fujitsu
6 Microelectronics America, Inc. ("FMA") shall produce its responsive documents by April 2,
7 2007. Fujitsu Limited shall produce its responsive documents by April 16, 2007.

8 4. FMA shall produce Michael Moore at a mutually convenient time and place for a
9 deposition with regard to his previously filed declaration within two weeks of April 2, 2007.
10 Fujitsu Limited shall produce Shigeru Kitano at a mutually convenient time and place for a
11 deposition with regard to his previously filed declaration within two weeks of April 16, 2007.

12 5. With regard to currently pending merits discovery and future merits discovery, the
13 parties have agreed that requests may be served, but that no responses shall be due until thirty
14 days after the hearing on Defendants' pending motions to dismiss or transfer. (Docket Nos. 74
15 and 89):

16 6. So as to permit time for Defendants to make their production of documents in
17 response to Plaintiffs' jurisdictional requests, and for Plaintiffs to review such documents, it is
18 respectfully requested that the hearing on Defendants' motions to dismiss or transfer be
19 rescheduled from March 22, 2007 to June 22, 2007, or such other later date as is convenient for
20 the Court. Because of the briefing time required to address these motions, the parties by this joint
21 stipulation respectfully request the following briefing schedule: (1) Plaintiffs' oppositions shall
22 be due on or before May 15, 2007; (2) Defendants' replies shall be due on or before May 31,
23 2007; (3) Any sur-reply by Plaintiffs (strictly limited to five total pages) shall be due on or before
24 June 7, 2007; (4) Any sur-reply by Defendants (strictly limited to five total pages) shall be due on
25 or before June 14, 2007. If the parties determine in good faith that production will take longer
26 than anticipated, the parties shall not unreasonably withhold their consent to extending the
27 hearing and briefing dates to permit time for document production and review.
28

1 7. This stipulation is for this case and cause number only and shall not affect in any
2 way pending litigation in either Tokyo or California.

3
4 **SO STIPULATED:**

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7 Date: 7/19/07

CALVO & CLARK, LLP
Attorneys for Defendants
Fujitsu Limited and
Fujitsu Microelectronics America, Inc.

8 By: 

DANIEL M. BENJAMIN

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10 **TEKER, TORRES & TEKER, P.C.**
Attorneys for Plaintiffs
Nanya Technology Corp. and
Nanya Technology Corp. U.S.A.

11
12 Dated: 7/19/07

13 By: 

JOSEPH C. RAZZANO